

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

PAULINE THERESA AUPREY,

Plaintiff,

v.

Case No.: 2:22-cv-741-KCD

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER

Before the Court is the Commissioner's Unopposed Motion for Entry of Judgment with Remand. (Doc. 16.) The Commissioner believes that remand is appropriate to accomplish the following:

On remand, the Appeals Council will instruct the Administrative Law Judge to do the following: obtain supplemental evidence from a vocational expert (VE) to determine if there are jobs that exist in significant numbers in the national economy for which an individual with the Plaintiff's vocational profile and residual functional capacity (RFC) can perform and to clarify the effect of the assessed limitations on the Plaintiff's occupational base; ask the VE to identify examples of appropriate jobs and to state the incidence of such jobs in the national economy; ask the VE what source of information was relied on to formulate the testimony and the methodology used to determine the number of available jobs for each DOT code; resolve any apparent conflicts posed by the VE testimony and the Dictionary of Occupational Titles (DOT); offer Plaintiff the opportunity for a new hearing; update the administrative record as necessary; and issue a new decision.

(Doc. 16 at 1.) Plaintiff consents to the relief requested.

Under 42 U.S.C. § 405(g), the Court has the power to enter judgment, reversing and remanding a social security case for rehearing. *See Shalala v. Schaefer*, 509 U.S. 292, 296-98 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 101-02 (1991). The Commissioner's request for remand is appropriate, and given Plaintiff's consent, it will be granted.

Accordingly, it is now **ORDERED**:

1. The Commissioner's Unopposed Motion for Entry of Judgment with Remand (Doc. 16) is **GRANTED**.
2. The decision denying benefits is **REVERSED** and this case is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings.
3. The Clerk is **DIRECTED** to enter judgment, terminate all deadlines, deny all pending motions as moot, and close the file.

ORDERED in Fort Myers, Florida this April 26, 2023.


Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record